



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 7989-99
18 April 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1001/1 MMEA-6 of 30 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1001/1
MMEA-6
30 MAR 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR DOCKET NO. 07989-99 CASE OF [REDACTED]
[REDACTED]

1. After reviewing Mr. Gates' case, we recommend that his request for separation pay be denied.
2. [REDACTED] claims to have been forced out of the Marine Corps. However, our records indicate he was released from active duty on 10 September 1990, nearly two months prior to the effective date, or 5 November 1990, of the involuntary separation pay directive. Additionally, at his expiration of active service, he received a reenlistment eligibility code of RE-1A. RE-1A, according to Marine Corps Order P1900.16D, Marine Corps Separations and Retirement Manual, states there is no restriction to reenlistment. Therefore, Mr. Gates voluntarily exited the Marine Corps.
3. Involuntary separation pay consideration is for those Marines denied reenlistment and, in accordance with Secretary of the Navy Instruction 1900.7G, is only authorized for those members involuntarily separated from active service. [REDACTED] voluntarily separated. Therefore, he does not warrant involuntary separation. There are no provisions for voluntary separation.
4. Point of contact is Captain M. P. Cody, DSN 278-9238.


MARK W. VARNOUS
LIEUTENANT COLONEL
ASSISTANT HEAD, ENLISTED ASSIGNMENT BRANCH